

IN SENATE OF THE UNITED STATES.

AUGUST 10, 1842.

Ordered to be printed.

Mr. RIVES submitted the following

REPORT :

*The Committee on Foreign Relations, to whom was referred the memorial of John Baldwin, W. S. Parrott, G. L. Thompson, and others, in relation to the claims of themselves, and others, citizens of the United States, against the Government of Mexico; and also the memorial of Aaron Leggett, another claimant, representing the grievances sustained by him from the authorities of Mexico, and appealing to Congress for redress; together with numerous documents from the Department of State relating to the subjects of these memorials, have had the same under their consideration, and beg leave to report :*

In reviewing the history of the relations which have existed between the United States and Mexico, it is painful to observe in how many instances the property, liberty, and personal security of our citizens, as well as the national rights and dignity, have been violated and outraged by a neighboring Power, with which it has ever been our policy to maintain the most friendly intercourse. The Government of the United States, in seeking the redress for these injuries which respect for its own character, no less than the protection due to its citizens, urgently demanded, has at all times exhibited a moderation and forbearance in pressing its just claims, which nothing but the most anxious desire for the cultivation of harmony and good neighborhood with a youthful republic, just rising into an independent national existence on the same continent with itself, could have prompted or excused. At length, after various abortive experiments, assuming, in one instance, the shape of a formal arrangement agreed upon with its minister here, but which the Government of Mexico failed to ratify, and through a patient and persevering adherence by the United States to every honorable means of pacific adjustment, a convention was concluded and ratified by both powers for the settlement of these unpleasant subjects of controversy.

Under this convention a mixed commission, consisting of two members, being its own citizens, appointed by the Government of Mexico, and of two others, citizens of the United States, appointed by the Government of the Union, was organized in the city of Washington on the 25th of August, 1840. By the terms of the convention, all claims of citizens of the United States upon the Mexican Government—statements of which, soliciting the interposition of the Government of the United States, had been presented to the Department of State, or to the diplomatic agent of the United States at Mexico, prior to the signature of the convention—were to be referred to these commissioners, who were to be sworn impartially to examine and decide upon the said claims, according to such evidence as should be laid before

them on the part of the United States and the Mexican republic respectively; the Mexican Government engaging to furnish all such documents and explanations as might be in their possession touching the said claims, whenever a demand should be made upon them, accompanied with a specification of the documents required. The said board of commissioners was to terminate its duties within eighteen months from the time of its meeting in the city of Washington; and it was provided, in the event of the commissioners disagreeing in relation to any of the aforesaid claims, that the points on which they differed, and the grounds on which their respective opinions were found, should be submitted to the decision of an arbiter or umpire, to be appointed by his majesty the king of Prussia, and that the decisions of the said umpire should be final and conclusive on all the matters so referred. Finally, the amount which should be found due to the claimants, either by the decision of the board of commissioners or that of the umpire, was to be paid by the Mexican Government, with a stipulation that, if it should not be convenient for the Mexican Government to pay *at once* the amount so found due, it should be at liberty, immediately after the decisions in the several cases, to issue therefor treasury-notes, of the description, and under the limitations set forth in the convention, bearing an interest of eight per centum per annum from the date of the award on the claim, in payment of which the said treasury-notes shall have been issued; and the United States agreed to exonerate the Mexican Government for ever from any further accountability for claims, which shall either be *rejected* by the board or the arbiter aforesaid, or which, being *allowed* by either, shall be provided for by the said Government in the manner before mentioned.

The committee do not deem it necessary or proper, at this time, to enter into a detailed review of the proceedings of the commission, in execution of the provisions of this convention. It is sufficient to observe that very serious complaints are alleged by the memorialists against the course of the Mexican commissioners, in both the interpretation and execution of the high trust devolved upon them by the convention. In the very outset of their joint labors, they differed radically from the American commissioners, as to the character of their functions under the convention, and as to the rules proper to be established for the government of their proceedings, and to facilitate and methodize the prosecution of the claims before the board. These differences, which, by the tenacity with which the Mexican commissioners adhered to their peculiar views, terminated in denying all direct access to the board by the claimants or their agents, for the conduct and management of their causes, consumed so much of the time of the commission, that they did not enter upon the consideration of any of the claims presented for their decision, until several months, from the period of their organization, had elapsed. It has thus happened that the eighteen months, to which the duration of the commission was limited by the convention, have expired, leaving many important claims against the Mexican Government undisposed of, either because they were not definitively acted upon by the board, or having been acted upon by the board, and presented to the umpire for his decision upon the disagreeing opinions of the commissioners, they were returned by him undecided, in consequence of his not having time to examine them before the expiration of the commission, when he considered his own authority and functions as also terminating. However much the results of this opinion of the umpire may be to be regretted, the committee deem it due to the high character of that distinguished functionary, to say that his perfect con-

scientiousness in forming it, as well as in pronouncing all his other decisions, is above the reach of imputation or suspicion.

In regard to the claims thus undisposed of at the expiration of the mixed commission, the committee are of opinion, notwithstanding the intimation to the contrary contained in two letters of the Mexican commissioners, addressed to the Secretary of State, on the 25th and 26th of February last, that they are to be regarded as still subsisting claims against the Government of Mexico, in no manner whatever barred by the convention or the proceedings under it, and entitled, according to their intrinsic merits, to the faithful countenance and support of the Government of the United States in prosecuting them to a final adjustment. Such of the claims as have been allowed, and their amount ascertained, by the decision of the board of commissioners, or of the umpire, will, of course, be the subject of immediate demand for payment and satisfaction. That satisfaction, to fulfil the requisitions of good faith, the plain intention of the convention, and the only rational end and purpose of the whole transaction between the two Governments, must, in every contingency, be rendered in substantial value; and if not convenient to be paid "*at once*" (to use the language of the convention) in money, must be rendered by substituting such evidences of debt as, while they serve the purpose of giving to the Mexican Government *further time* for the performance of its obligations, shall entitle the holder, at his option, to ultimate and effectual payment in money.

Such, the committee have reason to believe, are the views which have been already expressed by the Executive Department of the Government, the designated organ of the nation to conduct its intercourse with foreign powers. To that branch of the Government properly belongs, in the present stage of their discussion, the treatment of all the questions presented by the memorials referred to them; and leaving, therefore, to the deliberate and better informed action of the Executive the prosecution of the rights of the memorialists, according to the demands of justice and the dictates of national honor, the committee recommend that the Senate discharge them, for the present, from the further consideration of the memorials and documents referred to them,





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